

**TOWN OF DAVIE
REGULAR MEETING
JANUARY 4, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance led by Nova High School students.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul and Starkey (left the meeting at 11:02 p.m.). Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Martin Kiar, a resident of Davie, asked Council to consider replacing Australian pine trees in the Davie Oakes community. Councilmember Paul advised that the packet turned in by residents of Davie Oakes had been forwarded to the Town Administrator.

James Roxby, 8340 SW 55 Court, spoke of unfair treatment he received with regard to a variance request from the Planning and Zoning board. He asked that Council compel the Planning and Zoning Division to release records to him. Mr. Cohen suggested that Mr. Roxby speak with Town Clerk Muniz on this request.

Bryan Caletka, 6332 SW 39 Court, advised of his candidacy for District 1. He spoke of the Town's need for in-house legal counsel as a means of saving money.

Don Pritchard, 1651 SW 116 Avenue, asked that Council take today to build our path to build into tomorrow by learning from our past. He requested that Council do more for the Town in 2006 and with that, the Town would excel into the future and to the resident's expectations.

Bill and Margie Prima, 13511 SW 16 Court, also requested Council's help with replacing trees in the Davie Oakes community. Councilmember Crowley advised there were crews surveying the area by the park to 14th Street. He stated that the plan was to remove all the trees and widen the existing canal.

Carmen Inman, 13510 SW 16 Court, asked about plans for the Van Kirk site. Councilmember Starkey explained that the grant application criteria required a passive park. Ms. Inman asked about the opportunity to view plans for the site. Mr. Cohen advised that public meetings would be scheduled soon.

Helen Woods, a resident of Davie, spoke of severe harassment incidents that had occurred to her and others on Davie's shuttle bus service. She requested that Council consider a new contractor for bus service. Councilmember Starkey requested that staff conduct spot checks of buses on the blue route. Ms. Woods also spoke of an incident of harassment of a minor female. Vice-Mayor Hubert asked if the police had been called. Ms. Woods responded in the affirmative. Councilmember Crowley asked that once the investigation was concluded, this issue come before Council again.

Bob Muccio, 13501 SW 14 Place, discussed the need for trees in the Davie Oakes community. He spoke in opposition to the Lorson Estates rezoning because of congestion and traffic concerns.

John Ladue, 2961 SW 111 Terrace, spoke of debris that had not been cleared along Hiatus Road. Mr. Bernard advised staff would take care of this issue.

Serge (no last name provided), 4221 SW 61 Avenue, spoke of damage done to his property from debris removal contractors. He complained about littering in his area.

John Pisula, 2933 SW 136 Avenue, spoke of the virtues of Mayor Truex and urged everyone to vote for Mayor Truex in the upcoming election.

Mayor Truex closed the Open Public Meeting.

Mayor Truex announced that staff was requesting that items 6.8 and 6.9 be tabled to February 1, 2006.

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Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 4.14 and 4.15 needed to be added.

Councilmember Paul made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 9.1 and 9.2 needed to be added.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. November 16, 2005 (Regular Meeting)

Home Occupational Licenses

4.2. Devine Towing & Transport Inc., 11100 SW 29 Court

4.3. Ramco Equip & Landscape Services, Inc., 13730 SW 16 Street

4.4. Ron's Pressure Washing, 14000 SW 28 Court

Proclamation

4.5. Davie & The Ranches Express Month (January 2006)

Resolutions

R-2006-1 4.6. **BOARD EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE AIRPORT ADVISORY BOARD FOR ONE YEAR. (tabled from December 21, 2005)

R-2006-2 4.7. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING A 20-FOOT DRAINAGE EASEMENT, EXTENDING A 20' CANAL MAINTENANCE EASEMENT, AND ADJUSTING A 10' UTILITY EASEMENT ALONG THE EASTERN BOUNDARY LINE OF THE "ZARBAFI ESTATES" PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-05, Pine Island Estates, 5150 South Pine Island Road) (tabled from December 21, 2005)

R-2006-3 4.8. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS LAKESIDE VILLAGE AT DAVIE; AND PROVIDING AN EFFECTIVE DATE. (DG 12-1-05, Lakeside Village at Davie, 6990 Griffin Road)

R-2006-4 4.9. **RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF PROPERTY FROM WAYNE JACKSON; AND PROVIDING FOR AN EFFECTIVE DATE.

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- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-5 APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE, NOVA
SOUTHEASTERN UNIVERSITY, THE DAVIE COMMUNITY REDEVELOPMENT
AGENCY, FLORIDA ATLANTIC UNIVERSITY AND AUSTIN FORMAN;
AUTHORIZING THE MAYOR TO AFFIX HIS SIGNATURE TO SAID
AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (\$55,000)
- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-6 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO A PARK UTILIZATION AGREEMENT BETWEEN THE TOWN OF DAVIE
AND PARKSIDE ESTATES ASSOCIATES, LTD. FOR ACCESS INTO PINE
ISLAND PARK THROUGH TWO LIMITED ACCESS GATES; PROVIDING FOR
CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND
TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-7 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF
DAVIE AND EDSA FOR THE REGIONAL ACTIVITY CENTER (RAC) MASTER
PLAN; PROVIDING FOR A SCOPE OF SERVICE TO COMPLETE SAID MASTER
PLAN; PROVIDING FOR A FEE SCHEDULE AND PROJECT PHASING; AND TO
ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-Judicial Consent Agenda

- 4.13. SP 1-4-04, Pine Island Estates, 5150 South Pine Island Road (R-3) (tabled from
December 21, 2005) *Site Plan Committee recommended approval subject to the planning
report except for the requirement that a tot lot be provided; that on model 'C', on the
two-story side elevation, add four windows in the family room and add windows on each
side of the garage; on model 'D', add windows to the side elevation by adding windows
to the bedrooms and adding two windows to the garage; on model 'A', add one window
on the side of the garage; on model 'B', add one window to the garage; on the entry
sign, remove copper pots, add hip-roof caps, add stone veneer in lieu of other veneers on
the base and columns, change the letter font style so that it is not "art deco", add
brackets under the hip-roof caps similar to the residential models*

Items to be added

- 4.14. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2006-8 TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE FIVE
STAR RODEO AND THE TOWN OF DAVIE

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- R-2006-9 4.15. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY LEGISLATIVE BILLS FILED WHICH WOULD PREEMPT LOCAL GOVERNMENT REGULATION OF THE VEGETATIVE MAINTENANCE OF ANY ELECTRIC RIGHT-OF-WAY AND WHICH WOULD PREEMPT LAND DEVELOPMENT REGULATION PERTAINING TO ELECTRICAL SUBSTATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Starkey pulled item 4.12 and 4.6. Councilmember Paul pulled items 4.2, 4.3, 4.4, 4.5, 4.10, and 4.13. Mayor Truex pulled item 4.14 and 4.15.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.2, 4.3, 4.4, 4.5, 4.6, 4.10, 4.12, 4.13, 4.14 and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2, 4.3 and 4.4 Councilmember Paul spoke of ongoing problems with violations of home occupational license regulations in her district and complained about the length of time it took to enforce these Code violations. Councilmember Starkey agreed that stricter regulations were needed and felt the applicant should consent to pay a fine if they violated any restrictions. Code Compliance Official Danny Stallone suggested stricter options, such as raising fines or revoking licenses, which the Town could implement to improve compliance.

Councilmember Starkey asked if it would be prudent to revoke the licenses of those who had previously been issued licenses. Mr. Kiar advised that they would have to be given due process. Mr. Stallone added that the Town did not have a clear statement that addressed revocation of these licenses in the Code. Planning and Zoning Manager Bruce Dell advised that he was looking into this issue and would be working closely with Mr. Stallone.

Councilmember Paul asked whether these items could be tabled until improvements in the application process were made. Mayor Truex agreed with Councilmember Paul but did not want the process to become so onerous that it discouraged legitimate businesses that would not store heavy equipment. Councilmember Starkey voiced her support of a tabling and wanted to perform site inspections for these three addresses. Council directed that staff come back with additional information and a site inspection report that could address this issue.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to February 1, 2006. In a voice vote all voted in favor. (Motion carried 5-0)

4.5 Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul read the proclamation declaring January 2006 as *Davie & the Ranches Express Month*.

4.6 Councilmember Starkey reiterated her wish for the Airport Advisory Board to remain separate and not cover other transportation issues. Councilmember Paul recalled her previous suggestion to rename the board Airport/Transportation Advisory Board. She felt covering transportation issues would not dilute the Board's focus on the airport issue.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve and take the appropriate measures to rewrite the resolution to include transportation issues. Mayor Truex was not in favor of this as he felt it might be viewed by some that the Town was not as committed to the fight against the airport issue. Councilmember Starkey agreed that this might send a bad message.

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In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

4.10 Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve subject to appointing Acting Town Administrator Ken Cohen, Development Services Director Mark Kutney, and Mr. Dell as the appointments to the JPA.

Councilmember Crowley asked how often the committee met. Mr. Dell advised approximately every two weeks. Councilmember Crowley advised that he had spoken with a resident in the area who wanted to see a staff presentation. Mr. Cohen advised that staff would take care of this.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Starkey referred Council to page 4, Section 3.3, and voiced her concern about language stating “for reimbursable expenses exceeding \$15,000 the consultant should obtain prior written approval from the Town’s contract administrator.” Mayor Truex and Vice-Mayor Hubert both stated that approval should come before Council. Councilmember Starkey agreed and stressed the importance of Council’s scrutiny of such contracts going forward, in light of recent investigations. She also wanted to lower the figure from \$15,000.

Mayor Truex felt Council should not have to review the changes in the documentation at the last minute. Councilmember Paul asked whether the \$15,000 in reimbursable expenses were spread out among the five parties. Mr. Cohen indicated that this referred to any \$15,000 of the partnership money.

Sue Delegal explained that since the contract was between the Town and the consultant, Council could choose how to oversee the contract. She advised that the contract administrator would be appointed by Council. Mr. Cohen advised that he recommended Deputy Planning and Zoning Manager Marcie Nolan for this position. Councilmember Starkey wanted to stipulate that at the completion of each phase, and prior to the disbursement of additional funds, Council could review the progress of the project.

Kona Gray, vice-president of EDSA, was willing to address any of Council’s concerns. He added that several stakeholders wanted to see this project proceed quickly.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the contract, subject to amending item 3.1 in Article 3, so that upon completion of each phase, the matter came back to Council prior to the release of each phase and the funding attached thereof and that each phase be presented at the Town Council meeting.

Council held further discussion on stipulations to be included in the motion. Mr. Gray was concerned about the approval process going past the completion schedule for each phase.

Councilmember Starkey restated her motion, which was seconded by Councilmember Crowley, to approve subject to amending Article 3.1, to state that prior to the release of any funds, the matter come before Council at each phase and subject to amending Article 3.3, to state that the reimbursable expense of \$15,000 would come before Council for written approval.

Vice-Mayor Hubert suggested that a special meeting be held to give the approval so the process was not delayed.

Ms. Delegal suggested amending Section 3.6, to grant an appropriate extension, so the consultant would not forfeit its 10% if delays pushed the process past the 10-month timeframe.

Councilmember Starkey added to the motion, “subject to amending Section 3.6 to state that any extensions would be granted by the approval of the Town Council.”

In a voice vote, all voted in favor. (Motion carried 5-0)

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4.13 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Gus Khavinan, representing the petitioner, waived the quasi-judicial hearing. Mr. Kiar turned the meeting back over to Mayor Truex.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul read various conditions for approval that she wanted recognized. Mr. Khavinan spoke of upgrades planned and agreed to work with staff to meet the conditions stated. Councilmember Crowley commented on Item D and wanted any State of Florida licensed professional engineer hired by the homeowner's association to be accepted. He corrected the name of the Central Broward Water Control District. Councilmember Crowley asked if the applicant could provide a guardrail adjacent to the site on 82nd Avenue. Mr. Khavinan agreed.

Mayor Truex did not want to consider the tot lot if there was not a safe place to put this.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve subject to incorporating the following changes from the memorandum addressed to Ken Cohen: 1) for item 2, with the addition of the cypress and maple, any other changes to the landscaping should be reviewed with staff; 2) for item 4d, amend language to state that "a State of Florida licensed professional engineer hired by the homeowner's association" would be included; 3) that the word "Management" be changed to "Control"; and 4) that the applicant would include a guardrail on 82nd Avenue." In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Special Projects Director Bonnie Stafiej advised that there would be increased police presence at the rodeo.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Mr. Cohen spoke of two bills being passed by the Florida League of Cities. He advised that one bill would permit substations in any zoning category which would be difficult for municipalities to control. Mr. Cohen spoke of another bill which would preclude any municipality from regulating tree trimming and maintenance in any FPL easement. He asked that Council pass the resolution opposing these two bills.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Councilmember Starkey being out of the room, all voted in favor. (Motion carried 4-0)

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6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2006-1 6.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)10-1-05, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-286 ENTITLED RURAL LIFESTYLE REGULATION, SUBSECTION (B); PROVIDING SUPPLEMENTAL REGULATIONS FOR FENCES; AMENDING SECTION 12-309(A) ENTITLED REVIEW FOR VARIANCES; PROVIDING FOR FENCE DESIGN VARIANCES IN THE RURAL LIFESTYLE; AMENDING SECTION 12-34 ENTITLED STANDARDS ENUMERATED SUBSECTION (B) ANIMALS ADDING SUBSECTION (12); PROVIDING FOR INTENT SECTION AND REGULATIONS FOR THE MAINTENANCE OF HOBBY FARMS; AND AMENDING SECTION 12-503 ENTITLED DEFINITIONS; PROVIDING FOR DEFINITIONS FOR HOBBY FARMS; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 21, 2005) **{Approved on First Reading December 7, 2005; 3-0 with Councilmember Paul being out of the room and Councilmember Starkey being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

John Ladue, 2961 SW 111 Terrace, spoke in favor of this project.

Mayor Truex closed the public hearing.

Councilmember Paul asked if the Town could go back and ask for a variance if the applicant put up fences without a permit or with an improperly issued permit. Mayor Truex responded in the affirmative. Mr. Kiar believed that Council had the authority to do this.

Mayor Truex asked whether the applicant could ask for a height variance. Mr. Dell advised that the maximum height would be six feet. Mayor Truex asked whether the applicant could construct any type of berm without a permit. Mr. Dell responded in the negative. Vice-Mayor Hubert pointed out there were eight-foot variances on the east side for pit bulls. Councilmember Starkey stated that height variances would come before Council on a case-by-case basis.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 2006-2 6.2. **PENSION PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN AS PROVIDED BY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE FRATERNAL ORDER OF POLICE, LODGE 100; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 21, 2005) **{Approved on First Reading December 7, 2005; 3-0 with Councilmember Paul being out of the room and Councilmember Starkey being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO COMPLY WITH CHAPTER 185, FLORIDA STATUTES; AMENDING THE DEFINITION OF COMPENSATION IN SECTION 1.7 TO INCLUDE UP TO 120 HOURS OF OVERTIME; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 21, 2005) {Approved on First Reading December 7, 2005; 4-0 with Councilmember Starkey being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey asked Budget and Finance Director Bill Underwood if this brought Council current with Florida Statutes. Mr. Underwood explained that this would move the Town in that direction.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4. **MORATORIUM EXTENSION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA EXTENDING THE PRESENT MORATORIUM ON THE FILING OF APPLICATIONS FOR ADULT ENTERTAINMENT FACILITIES OR APPLICATIONS RELATED TO THE USE OF ANY BUILDING FOR THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS COMMENCING UPON THE ADOPTION OF THIS ORDINANCE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. {Approved on First Reading December 21, 2005; 4-0 with Councilmember Crowley being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - out of room; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.5. **FEE SCHEDULE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULES FOR THE ENGINEERING DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN OF DAVIE BY ADDING ENGINEERING PERMIT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading December 21, 2005; 4-0 with Councilmember Crowley being absent}**

Town Clerk Muniz read the ordinance by title.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve.

Councilmember Starkey asked whether the figure was corrected as she did not see this reflected in the backup. Town Engineer Larry Peters advised that the correct figure was \$1,000 under the old and new. Mr. Muniz advised that the Engineering Department had circulated a corrected copy as an amendment after the Council's agenda packet was distributed. Councilmember Starkey asked Mr. Cohen if corrections made at meetings would be reflected in the following meeting's agenda packet. Mayor Truex reiterated that the figure was "\$1,000 under the old and new."

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held on January 18, 2006)

- 6.6. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY – FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street)

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance at the January 18, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Julie Aitken, 3801 Flamingo Road, was opposed to the Town giving away this trail as she felt it had value as a potential recreational trail.

Ed Plosky and Jaime Aristizabal, representing the petitioner, explained the reason for vacating the easement was to provide access to the park. Mr. Aristizabal indicated that Council had requested a trail which was being provided along with other trails around the park. Councilmember Paul stated that the trail along the drip line was suggested by a resident and not Council. Mr. Aristizabal stated there was a trail going through the park and advised that adding any more would compromise the archaeological areas and natural habitat.

Mayor Truex asked Ms. Aitken to show where the right-of-way was and to explain her opposition. Ms. Aitken pointed out areas of concern on the map, and referred to 40 acres of land with no public access. She added that not all the land area was environmentally sensitive. Ms. Aitken felt more trails were needed to make up for the vacation of the right-of-way. Mr. Aristizabal clarified that what Ms. Aitken was indicating was not in fact a right-of-way.

Councilmember Starkey agreed with Ms. Aitken about the need for public access but also agreed with the developer that parts of the site were archaeologically sensitive. She did not see how Council could approve anything until the parcel was investigated further to ascertain who owned the right-of-way.

Councilmember Paul recalled that the Planning and Zoning Board had passed this with the caveat that an alternative plan be designed. She also did not want to disturb any archaeologically sensitive areas and wanted to know specifically where those were. Councilmember Paul also read an e-mail from Linda Greck proposing that Council table this item until it was clear what Broward County would allow in terms of public access.

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Councilmember Crowley asked whether the applicant would provide drainage easements to maintain the canal once it was vacated. Mr. Aristizabal indicated they had not been asked to do so. Councilmember Crowley pointed out that the County allowed recreation within maintenance easements and suggested that a trail along this area be considered.

Mayor Truex closed the public hearing.

Councilmember Paul made a motion, seconded by Mayor Truex, to table to March 1, 2006. Vice-Mayor Hubert asked what the County would do if the vacation were not granted. Mr. Aristizabal responded that the park would be developed and a fence would probably be placed around the right-of-way. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Mayor Truex wanted Councilmember Paul to pursue this on behalf of Council and directed that any meetings be publicly noticed.

Quasi-Judicial Item

6.7. V 7-2-05, Nelson, 3778 Gulfstream Way (AG) (tabled from November 16, 2005)

Planning and Zoning recommended approval

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. He pointed out a typographical error in the address. Mr. Kiar wanted to ensure that the list of people contacted was entered into the record. Mr. Dell read the staff report.

Mr. Nelson, the applicant, indicated that he had received letters of support from the homeowner's association as requested by Councilmember Starkey. Councilmember Paul recalled that another resident in the same area added a similar garage and asked whether that had needed a variance. Councilmember Starkey stated that this variance existed and felt Mr. Nelson was not asking for anything different than his neighbor. Mr. Kiar read correspondence from Miami Management Inc. indicating the Nelsons' request had been conditionally approved.

Councilmember Starkey supported the variance but was reluctant to approve because of the lack of documentation from the new board. She wanted a drawing approved by the current homeowner's association for her records.

Vice-Mayor Hubert asked Mr. Nelson what he planned to place in such a large garage. Mr. Nelson stated he would place cars in there.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey had spoken with Debbie, the homeowner's association, Mr. and Mrs. Hickey, Jerry Starkey and other residents.

Mayor Truex asked whether Council wished to approve the variance subject to homeowner's association approval. Councilmember Starkey preferred to have the documentation prior to any approval.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to January 18, 2006. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-2)

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Items to be tabled

**6.8. PLANNING AND ZONING BOARD TABLED TO JANUARY 11, 2006;
COUNCIL CAN TABLE TO FEBRUARY 1, 2006**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-04, Lorson One, LLC/POA, Acecon Construction Corp., 1275 SW 130 Avenue)

This item was tabled earlier in the meeting.

**6.9. PLANNING AND ZONING BOARD TABLED TO JANUARY 11, 2006;
COUNCIL CAN TABLE TO FEBRUARY 1, 2006**

V 7-3-05, DuPont, 3344 Meadowbrook Way

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmember Crowley; two exclusive appointments - Mayor Truex, Vice-Mayor Hubert, Councilmember Paul and Councilmember Starkey; terms expire December 2006)

Councilmember Crowley appointed Hertz Halperin. Vice-Mayor Hubert appointed Martin Kiar and David Oakes.

7.2. Community Redevelopment Agency (one non-exclusive appointment; term expires April 2006) (members shall either reside or engage in business within the jurisdiction of the Town)

Mayor Truex recommended Cy Dorn, director of the Davie/Cooper City Chamber of Commerce. He advised that Pat Montalbano, a member of the Davie EDC, was willing to serve in the CRA.

Councilmember Crowley made a motion, seconded by Mayor Truex, to nominate Cy Dorn. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

7.3. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

7.4. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.5. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

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- 7.6. Senior Citizen Advisory Committee (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.7. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

- 8.1. Purchasing Best Practices Review

Mr. Cohen recommended bringing in four firms for presentations. Mayor Truex advised he had received an offer from the Pembroke Pines City Manager to come to the Town and demonstrate their own practices and procedures. Councilmember Starkey spoke of other city managers who had offered assistance to the Town in light of its recent challenges. She requested information from staff with regard to using an Inspector General.

Vice-Mayor Hubert recalled her suggestion to use an Inspector General. Councilmember Crowley asked about the forensic audit process. Mr. Cohen indicated this was moving forward.

Procurement Manager Herb Hyman advised that he would draft a letter to the four companies and would either place them on an upcoming agenda.

Councilmember Starkey requested that before contracts were awarded, Council be provided with the company's insurance riders for review. Mr. Hyman explained that in some instances companies might have to pay higher insurance fees in order to submit bids. Councilmember Starkey felt this was a cost of doing business with the Town. Mayor Truex suggested that the Town wait until recommendations came in from the financial consultants.

9. NEW BUSINESS

- 9.1. Emergency Repairs to Guardrails

Public Works/Capital Projects Director Bruce Bernard spoke of guardrails needing immediate repairs at Hiatus Road and Orange Drive; 14th Street and 136th Avenue; 136th Avenue and 26th Street; and 136th Street and 130th Avenue. He advised that the cost would be \$15,000 to repair and stated that the bids were from the same company that had the last contract.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

- 9.2. FEMA Stump Removal Determination

Mr. Bernard spoke of 630 stumps remaining in the Town's rights-of-way. He advised that approximately 25 stumps were over 24 inches in diameter and that those would be reimbursed by FEMA. Mr. Bernard explained that 270 were in Town rights-of-way and he wanted to remove those which posed a danger. He spoke of FEMA's new regulations and asked Council what it wanted to do about stumps in the Town's rights-of-way but that the homeowners' maintain. Vice-Mayor Hubert felt these were the homeowners' responsibility. Mr. Cohen suggested cutting stumps as close to the ground as possible and where extremely serious leave them to Mr. Bernard's discretion to remove. Mr. Bernard indicated that he would be using the contractor's crews for cutting down the trees and hauling debris to the landfill, which were reimbursable expenses.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to remove hazardous stumps and cut down non-hazardous stumps at grade level, at the discretion of the Public Works Director

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Bruce Bernard. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER PAUL**

TRAFFIC ALTERNATIVES. Councilmember Paul spoke of Weston's resolution related to the I-595 traffic alternatives.

FDOT MAINTENANCE. Councilmember Paul spoke of the FDOT's maintenance of palm trees along 14th Street Bridge at the I-595 overpass. Mr. Cohen advised staff would review this with FDOT again.

LOCATION OF PUBLIC MEETINGS. Councilmember Paul spoke of the legal rules regarding location of public meetings and room capacities. Councilmember Crowley wanted an opinion from Mr. Kiar. He questioned how many people the Council Chambers could accommodate based on Sunshine laws or other State Statutes.

MAYOR TRUEX

PROPERTY. Mayor Truex asked where to direct residents who were interested in selling property to the Town. Mr. Cohen advised directing them to staff.

CRA CHARETTE. Mayor Truex spoke of the upcoming CRA Charette and indicated that he would not be able to attend.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:14 p.m.

Approved _____

Mayor/Councilmember

Town Clerk